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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
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17 UNITED STATES OF AMERICA *ex rel.*
CHRIS McGOWAN, an individual,

18 Plaintiff,

19 v.

20 KAISER FOUNDATION HEALTH PLAN,
21 INC., a California Corporation,

22 Defendant.
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Case No.: CV-09-5984 (JSW)

**STIPULATION AND ~~PROPOSED~~
ORDER RE BRIEFING SCHEDULE AND
INITIAL CASE MANAGEMENT
CONFERENCE**

24 WHEREAS, the initial case management conference in this matter is currently set for July
25 27, 2012 at 1:30 p.m.;

26 WHEREAS, Defendant Kaiser Foundation Health Plan, Inc. ("Kaiser") has filed a motion
27 to dismiss the First Amended Complaint and that motion is set for hearing on September 28, 2012
28 at 9:00 a.m.;

1 WHEREAS, Relator Chris McGowan's opposition to the motion to dismiss is currently
2 due to be filed on July 10, 2012 and Kaiser's reply brief is currently due to be filed on July 17,
3 2012; and

4 WHEREAS, Relator needs additional time to prepare an opposition brief due to the press
5 of other business of Relator's counsel, the parties believe that the case management conference
6 should be continued to the same date as the hearing on the motion to dismiss, and the parties have
7 agreed not to conduct any discovery until after the Court rules on the motion to dismiss unless the
8 Court orders otherwise or the scheduling order entered by the Court sets discovery deadlines
9 which would, actually or as a practical matter, require the parties to conduct discovery prior to the
10 Court's ruling on the motion to dismiss.

11 IT IS HEREBY STIPULATED AND AGREED between the undersigned counsel for
12 McGowan and Kaiser as follows:

- 13 1. McGowan's opposition to the motion to dismiss shall be filed on or before July 24,
14 2012.
 - 15 2. Kaiser's reply in support of the opposition shall be filed on or before August 7,
16 2012.
 - 17 3. The initial case management conference, currently set for July 27, 2012 at 1:30
18 p.m., shall be reset to September 28, 2012 at 1:30 p.m. or as soon thereafter as the
19 Court's calendar permits.
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STIP. AND ~~PROPOSED~~ ORDER RE BRIEFING AND CMC: CASE NO. CV-09-5984 (JSW)